

10/519538

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**DT01 Rec'd PCT/PTC 28 DEC 2004**

|                              |   |                              |
|------------------------------|---|------------------------------|
| In re Patent Application of  | ) |                              |
| Yoshiko HINO et al.          | ) | Group Art Unit: Unassigned   |
| Application No.: Unassigned  | ) | Examiner: Unassigned         |
| Filed: December 28, 2004     | ) | Confirmation No.: Unassigned |
| For: CHOCOLATE DRINKS AND    | ) |                              |
| METHOD FOR THEIR PRODUCTION) | ) |                              |

**FIRST INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98.

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

Also enclosed is a copy of an International Search Report mailed August 12, 2003, in International Application No. PCT/JP03/07653. This Information Disclosure Statement contains information which is not in the English language but was cited in the enclosed International Search Report. In accordance with MPEP § 609 III A(3), an English language version of the search report or action which indicates the degree of relevance found by the foreign office is being submitted herewith.

The documents are being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since these documents are being filed within the time period set forth in 37 C.F.R. § 1.97(b), no fee or statement is required.

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date December 28, 2004

By: 

Roger H. Lee  
Registration No. 46,317

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Substitute for form 1449A/PTO &amp; 1449B/PTO

**FIRST  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Application Number

Filing Date

First Named Inventor

Examiner Name

Attorney Docket Number

Complete if Known

Assigned

December 28, 2004

Yoshiko Hino et al.

Unassigned

030685-049

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## U.S. PATENT DOCUMENTS

| Examiner Initials | Document Number | Kind Code (if known) | Name of Patentee or Applicant of Cited Document | Issue/Publication Date (MM-DD-YYYY) |
|-------------------|-----------------|----------------------|---|-------------------------------------|
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## FOREIGN PATENT DOCUMENTS

| Examiner Initials | Document Number | Kind Code (if known) | Country | Date of Publication (MM-DD-YYYY) | STATUS      |                     |                    |               |      |          |               |
|-------------------|-----------------|----------------------|---------|----------------------------------|-------------|---------------------|--------------------|---------------|------|----------|---------------|
|                   |                 |                      |         |                                  | Translation | Partial Translation | Eng. Lang. Summary | Search Report | IPER | Abstract | Cited in Spec |
| ICP/              | 03-094640       | A                    | Japan   | 04-19-1991                       |             |                     |                    |               |      | X        | X             |
| ↓                 | 07-079749       | A                    | Japan   | 03-28-1995                       |             |                     |                    |               |      | X        | X             |
|                   | 09-075003       | A                    | Japan   | 07-25-1997                       |             |                     |                    | X             |      | X        |               |
|                   | 08-332063       | A                    | Japan   | 12-17-1996                       |             |                     |                    | X             |      | X        |               |
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|                   |                 |                      |         |                                  |             |                     |                    |               |      |          |               |
|                   |                 |                      |         |                                  |             |                     |                    |               |      |          |               |

## NON-PATENT LITERATURE DOCUMENTS

| Examiner Initials | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |
|-------------------|---|
| /CP/              | Chocolate niyou shyokuhin no hyouji ni kansuru jouseikyou soukiyaku (Japanese fair competition rule concerning the labeling of chocolate-based foods), The Japan Fair Trade Commission, December 20, 1991, Chuohoki Publishers (cited in specification)         |
| /CP/              | M. Uchino et al, Chocolate, cocoa Gijutsu Kouza (Chocolate and cocoa technology course), pp. 7 and 13, April 15, 1981, Shibata Publishing Co., Ltd. (cited in specification)  |
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|--------------------|------------------------------|-----------------|------------|
| Examiner Signature | /Carolyn Paden/ (03/12/2008) | Date Considered | 03/12/2008 |
|--------------------|------------------------------|-----------------|------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.